IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 12010 of 2005

Between:

Smt. Y. Mastanamma W/o. Srinivasulu Naidu
R/o. Ravulapadu (V), Pellakuru (M), Nellore District.

..... PETITIONER

AND

1 The Joint Collector,

Nellore District.
2 The Revenue Divisional Officer,

Gudur, Nellore District.
3 The Mandal Revenue Officer,

Pellakur (M), Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to declare the action of the respondents 2 & 3 in refusing petitioner's candidature for appointment of fair-price shop dealer of Ravulapadu on the ground that the petitioner was over aged as on the date of notification dt. 11-5-2005 as illegal, arbitrary, malafide, violation of Art. 14 of the Constitution of India and violation of principles of natural justice and consequently direct the respondents 2 & 3 to consider the petitioner's case for appointment as fair-price shop dealer of Ravulapadu (V), Pellakur (M), Nellore District in the interest of justice.

Counsel for the Petitioner: Mr. CH.B.R.P. SEKHAR

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

This Writ Petition is filed to declare the action of the respondents 2 and 3, in refusing petitioner's candidature for appointment as a fair price shop dealer of Ravulapadu on the ground that the petitioner was over aged as on the date of notification, dated 11-05-2005, as illegal, arbitrary and violative of the principles of natural justice.

2. A notification was issued on 11-05-2005 for issuance of permanent authorization for a fair price shop in Ravulapadu village, Pellakuru mandal, Nellore District. Admittedly, the upper age limit for eligibility for authorization is forty years and the petitioner has crossed that age. He was earlier functioning as a temporary authorisee of the shop since 16-07-2002. When he was within forty years of age the temporary authorization was granted in his favour in the exigency of circumstances namely, authorization of the permanent dealer was under suspension on account of certain charges against him. Eventually, the authorization of the earlier permanent dealer was cancelled as the charges have been held proved and the shop was notified for permanent authorization. The fact that on the date of his initial temporary authorization the petitioner was within forty years of age does not entitle him to be considered for appointment as a regular dealer pursuant to the notification dated 11-05-2005, on which date the petitioner admittedly crossed the eligible age limit.

2. On the aforesaid analysis, there is no legal profile for the petitioners' plea warranting its consideration. No merits in the Writ Petition. Accordingly, the Writ Petition is dismissed.

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(GODA RAGHURAM,J)

9th June, 2005.

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To

1 The Joint Collector,

Nellore District.

2 The Revenue Divisional Officer,

Gudur, Nellore District.

3 The Mandal Revenue Officer,

Pellakur (M), Nellore District.

4 Two CCs to the GP for Civil Supplies,

High Court of A.P., Hyderabad (O.U.T.)

5 Two CD copies.